Filed 2/27/19 Brent J. v. Lisa A. CA2/8

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION EIGHT

BRENT J., Respondent, v. LISA A., Appellant.	B285701 (Los Angeles County Super. Ct. No. 17TRRO00029)
BRENT J., Respondent, v. DANIEL L., Appellant.	B285705 (Los Angeles County Super. Ct. No. 17TRRO00031)
LISA A., Appellant, v. CHARLOTTE D., Respondent.	B285706 (Los Angeles County Super. Ct. No. 17TRRO00080)
BRENT J., Respondent, v. THEODORE L., Appellant.	B285708 (Los Angeles County Super. Ct. No. 17TRRO00030)
DANIEL L., Appellant, v. CHARLOTTE D., Respondent.	B285713 (Los Angeles County Super. Ct. No. 17TRRO00041)

APPEALS from orders of the Superior Court of Los Angeles County, Maria Puente-Porras, Judge. Affirmed.

Lisa A., Daniel L., and Theodore L., in propria persona, for Appellants.

No appearance for Respondents.

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Acrimony between neighbors in a Gardena apartment complex resulted in the parties seeking civil harassment restraining orders against one another.[1] On one side of the dispute are appellants Lisa A. and her adult sons, Daniel L. and Theodore L. On the other side are respondents Charlotte D. and her adult son Brent J. Following a consolidated hearing on the petitions, the trial court found respondents to be more credible, and entered restraining orders in their favor against each of the appellants. The trial court denied requests by Lisa and Daniel for permanent orders against Charlotte.[2] Lisa and her sons now appeal, contending substantial evidence does not support the orders, and that the trial court "showed extreme arbitrary bias" against appellants. We affirm.

BACKGROUND

On June 6, 2017, police responded to a dispute between neighbors at a Gardena apartment complex. Lisa reported to Officer Edgar Vargas that Charlotte had sprayed pepper spray into her apartment. Her son Daniel told officer Vargas that Brent attacked his brother, Theodore. He also told officer Vargas that he did not get involved in the fight between Theodore and Brent "because . . . he did not want to hurt anyone because of his large size."

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[1] The filings below resulted in five separate cases, which are the subject of five separate appeals. We have consolidated the appeals for oral argument and decision. Per California Rules of Court, rule 8.90(b)(5), we use the parties' first names and last initials to protect their identity.

[2] Temporary restraining orders had been issued in favor of Lisa and her son Daniel against Charlotte.

Respondents were initially too upset to give statements to officer Vargas. They spoke with him several hours later at the hospital, where respondents were receiving treatment for their injuries. Brent played a recording of the incident from his phone, and male voices could be heard confronting Brent. Officer Vargas could hear a struggle, and Charlotte screaming, "Get off my son." Brent's right knee and ankle were injured. Charlotte had been pepper sprayed by Lisa.

Brent testified that when he arrived home on the evening of June 6, 2017, Theodore and Daniel were standing outside of the complex's garage smoking cigarettes. It took several minutes for them to move so that Brent could park his car. As he got out of the car to open the garage door, Theodore asked, "What's up little n----? You were trying to fight my mom. Heard you've been beating on my mom." Brent ignored him, and parked his car. He started recording on his phone, which was in his pocket, because he felt "threatened."

As Brent tried to walk to his apartment, Theodore and Daniel blocked the stairs. Theodore grabbed Brent's throat, and punched him. He then grabbed Brent's shoulders, and kneed him in the stomach. He kicked Brent's knee and ankle. Charlotte yelled from the apartment "Leave my son alone." When Charlotte descended the stairs and tried to intervene, Lisa pepper sprayed her.

Brent played his recording of the incident for the court. The court noted that the recording was "very, very telling . . . about [Theodore's] behavior, [Daniel's] behavior and absolutely [Lisa's] behavior." Theodore could be heard saying, "What's up dog? Come on. What's going on? You were going to punch my mom. Now it's your turn." When Charlotte screamed for Theodore to "Get off my son," Lisa responded, "She's ain't gonna say nothing." Brent was also heard pleading for Theodore to get off of him. The court found Lisa's remarks to be "bone chilling . . . ." According to the court, the recording demonstrated "absolutely irrefutable, horrible, horrible

behavior." The court also noted that Theodore and Daniel were "three times the size of [Brent]."

Lisa admitted to pepper spraying Charlotte but claimed Charlotte first punched her in the face. She denied making the statements attributed to her in the recording. She also testified to another incident, several days later, where Charlotte pepper sprayed Daniel and tried to push him down the stairs. Charlotte was arrested for this incident.

Lisa also testified that Charlotte had keyed her cars, damaged her security cameras, and was generally hostile and belligerent.

Charlotte admitted she was arrested for domestic violence following the incident with Daniel, and that she "was wrong for approaching [him] out of frustration." She denied punching Lisa in the face.

The parties had been neighbors for 17 years, and had a long history of problems between them. This was not the first time they had been to court. Lisa had obtained a restraining order against Charlotte's daughter, and Charlotte had tried on several occasions to obtain restraining orders against Lisa. Following the incidents at issue in these cases, respondents moved away from the complex.

The court found respondents to be "the more credible parties." The court entered permanent orders against appellants. Appellants timely appealed.

DISCUSSION

These appeals suffer from a number of deficiencies preventing appellate review. A judgment is presumed correct, and it is the appellant's burden to demonstrate prejudicial error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564, 566.) Appellants have failed to do so here. Their appellate briefs contain no citations to the clerk's transcripts, and very few citations to the reporter's transcripts. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.) Moreover, appellants' briefs do not fairly summarize the evidence before the trial

court, and omitted many of the facts on which the court's ruling was based. (Cal. Rules of Court, rule 8.204(a)(2)(C); *Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881.) Lastly, the briefs contain almost no legal analysis to support their contentions. (Cal. Rules of Court, rule 8.204(a)(1)(B); *Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852.)

The appeals also fail on their merits. Daniel contends he never harassed anyone, and was the victim of an attack by Charlotte. Appellants also contend that respondents have moved, and there is no threat of future violence against them, whereas respondents have continued to harass appellants. We are not persuaded.

Where an appellant challenges the sufficiency of the evidence, the burden is a heavy one. The appellant must show there is no substantial evidence whatsoever to support the findings of the trier of fact. (*Kimble v. Board of Education* (1987) 192 Cal.App.3d 1423, 1427.) Appellants have failed to carry this burden. They essentially ask us to reweigh the evidence, which we cannot do. (*Estate of Gerber* (1977) 73 Cal.App.3d 96, 112-113.) The trial court, not our court, is able to assess the credibility of the witnesses. The trial court believed respondents' version of events, which was corroborated by a recording of the incident. (*Ensworth v. Mullvain* (1990) 224 Cal.App.3d 1105, 1110.) Appellants ignore evidence of Daniel's formidable size, that he joined his brother in blocking Brent's path, and was clearly complicit in the assault. The court could fairly conclude that the acrimony between the parties was likely to continue, notwithstanding respondents' move. Therefore, substantial evidence supports the trial court's orders. (Code Civ. Proc., § 527.6, subd. (b)(3); *Ensworth v. Mullvain*, at p. 1110.)

We also find absolutely no evidence of judicial bias in the record before us. The court presided in a fair and exemplary manner, over a case involving difficult parties and high emotions.

DISPOSITION

The orders are affirmed.

GRIMES, Acting P. J.

WE CONCUR:

STRATTON, J.

WILEY, J.